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13 **UNITED STATES DISTRICT COURT**

14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JOSE SUSUMO AZANO MATSURA

19 (1),

20 Defendant.

Case No. 14-CR-0388-MMA

**UNITED STATES' RESPONSE IN
OPPOSITION TO DEFENDANT
AZANO'S MOTION TO MODIFY
CONDITIONS OF RELEASE**

Date: February 24, 2015

Time: 1:30 p.m.

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22 Defendant Jose Susumo Azano Matsura ("Azano") petitions, once again, to modify
23 his conditions of pretrial release. But his brief, filed late yesterday afternoon, provides no
24 basis for the proposed modification. Instead, he merely disputes the strength of the
25 evidence against him. For several reasons, his contentions have no merit.
26

1 First, Azano contends that this case “no longer resembles” the case initially
2 proffered against him. In fact, it does. The Superseding Indictment describes
3 approximately \$600,000 in illegal campaign financing by Azano. Indeed, by simply
4 referring to Count Three, and adding up the six unlawful contributions on pp. 12-13,
5 those contributions total \$598,000. [See Docket No. 42 (Superseding Indictment, Count
6 3).]¹ And Azano’s brief ignores, altogether, the felony firearm charge against him. [Id.
7 Count 26.]

8 Second, the weight of the evidence is the least important factor in a bail hearing.
9 United States v. Hir, 517 F.3d 1081, 1090 (9th Cir. 2008). Here, however, the evidence
10 has only grown *stronger* since Azano’s initial detention hearing. Since that time, two of
11 Azano’s coconspirators have pled guilty to conspiring with him to violate campaign
12 finance laws, explicitly affirming that Azano agreed to knowingly and willfully make
13 foreign national contributions. Azano’s claim that he could potentially impeach
14 witnesses against him at his future trial is a remarkably insufficient basis for cutting his
15 bail.

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25 ¹ The United States does not know why Azano represents that the Superseding
26 Indictment alleges \$450,000 in illegal campaign financing. But even \$450,000 in illegal
27 campaign financing is staggering, historical, and 18 times greater than the felony
28 threshold of \$25,000 in a calendar year.

1 Third, Azano contends that the United States has not presented motive evidence.
2 But motive is not an element of any charge against him and need not be alleged in the
3 indictment. While Azano had ample motive to commit his offenses, the point is
4 inapposite to bail.

5 Respectfully submitted,

6 WILLIAM P. COLE
7 Attorney for the United States,
8 Acting under Authority Conferred
9 By 28 U.S.C. § 515

10 Dated: February 24, 2015

11 /s Robert S. Huie
12 ROBERT S. HUIE
13 Assistant U.S. Attorney
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SUSUMO AZANO MATSURA
(1),

Defendants.

Case No. 14-CR-0388-MMA

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the **UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT AZANO'S MOTION TO MODIFY CONDITIONS OF RELEASE** on the parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies their counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2015.

/s/ Robert S. Huie
ROBERT S. HUIE
Assistant United States Attorney